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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------|---------------------|------------------|
| 10/524,166 | 07/29/2005 | Michael T. Sutherland | SMY-143-A | 2834 |
| 48980 7590 05/23/2008 YOUNG & BASILE, P.C. 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084 | | | | |
| EXAMINER WILLIAMS, MAURICE L. | | | | |
| ART UNIT 3611 | | PAPER NUMBER | | |
| NOTIFICATION DATE 05/23/2008 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
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Office Action Summary

Application No.

10/524,166

Applicant(s)

SUTHERLAND, MICHAEL T.

Examiner

MAURICE WILLIAMS

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) 2, 13 and 25 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-12 and 14-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date 2/7/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 2 and 13 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and claim 25 is withdrawn as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/22/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 5, 7-10, 12, 14-21, 23 and 24 rejected under 35 U.S.C. 102(b) as being anticipated by Dawson (GB 1,528,915). Dawson discloses a central load bearing assembly comprising;
- two spaced-apart plate frame elements **(11)** separated by a plurality threaded fasteners **(4)** which are substantially equal in length;
- a swing arm assembly **(25)** having first and second ends, the first being pivotably mounted on (and detachable from) said central load bearing assembly with a first and second attachment point (Figs. 1 and 2), the second end having a rear wheel releasably secured thereon (pg. 3, ln. 37)
- a headset **(12)** positioned between the frame elements for supporting a steering and

front fork assembly (pg. 2, ln. 100), said front fork assembly having a front wheel mounted thereon; and

a crank bracket (17) mounted between the frame elements, said crank bracket being located offset from the attachment point of said swing arm assembly (separate from connection at point 22).

An additional plate (27) is included in the frame.

A tail block supporting a seat (21) is positioned between the frame elements.

Dawson also discloses a suspension means (25) and a rear swing arm comprising a plurality of components (Fig. 1; arms and horizontal bar).

The swing arm is pivotally attached by means of a pin (8) and circular clip (4).

The frames can be made of aluminum (pg. 1, ln. 73-74), include drill holes (Figs. 1 and 2), and are generally planar with a Y-shaped profile.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of De Jong (US 6,267,401). Dawson discloses as discussed above, but does not directly disclose a pivoting headset, cables or swing arm with gearing and braking means. De Jong discloses a bicycle with a pivoting head tube (Fig.

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5; **61**) and a rear swing arm (**130**) with gearing means (driven by drive chain) and braking means, including braking cables (col. 14, ln. 63-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Dawson as taught by De Jong in order to compact the bicycle for storage and incorporate and to incorporate a driving and braking system.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Dodman (US 2001/0049976). Dawson discloses as discussed above, but does not directly disclose a crank bracket of a cylindrical configuration which is removably retained by a circular clip. Dodman discloses a crank bracket (**24**) of a cylindrical configuration which is retained by at least one clip (**46**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Dawson as taught by Dodman in order to provide a means of retaining a bicycle crank, as Dawson shows the frame and not the other components of the bicycle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611

Maurice Williams
Examiner
Art Unit 3611

MLW
May 10, 2008

/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611